

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

KEVIN MUNRO,

Plaintiff,

v.

KING BROADCASTING COMPANY,

Defendant.

No. 2:13-cv-1308

NOTICE OF REMOVAL

(King County Superior Court,  
No. 13-2-23684-2 SEA)

Pursuant to 28 U.S.C. §§ 1331, 1441, 1446, and 1453, King Broadcasting Company (“King”) hereby removes to the United States District Court for the Western District of Washington the above-captioned lawsuit, originally filed in the Superior Court of Washington for King County as Case No. 13-2-23684-2 SEA.

Removal is proper on the following grounds:

**Removal is Timely**

1. Plaintiff filed this action on June 20, 2013.
2. Plaintiff first served King with a copy of the Complaint on June 24, 2013. This notice of removal is timely pursuant to 28 U.S.C. § 1446(b) because King is filing the notice of removal within thirty days after service.

**Federal Question Jurisdiction Exists Under 28 U.S.C. § 1331**

3. The Complaint alleges a cause of action under the Telephone Consumer Protection Act (“TCPA”), 47 U.S.C. § 227. Thus, this is a civil action over which this Court has original jurisdiction under 28 U.S.C. § 1331; *see also Mims v. Arrow Fin. Servs., LLC*, 132 S. Ct. 740, 745 (2012) (“[F]ederal and state courts have concurrent jurisdiction over private suits arising under the TCPA.”), *abrogating Murphey v. Lanier*, 204 F.3d 911 (9th Cir. 2000).

4. This action may be removed to this Court pursuant to the provisions of 28 U.S.C. § 1441(a) because it is a civil action founded on a claim or right arising under the laws of the United States over which “the district courts of the United States have original jurisdiction” under 28 U.S.C. § 1331. This action is removable without regard to the citizenship or residence of the parties. *See* 28 U.S.C. § 1441(a)-(b).

**King Has Satisfied the Remaining Procedural Requirements**

5. The United States District Court for the Western District of Washington is the federal judicial district embracing King County Superior Court, where Plaintiff filed this action. 28 U.S.C. § 128(b).

6. A copy of the Complaint filed in the King County action is being filed as Attachment 1 to this Notice of Removal, as required by Local Civil Rule 101(b). Copies of all other process, pleadings, and orders served on King in this action are being filed as Attachment 2 to this Notice of Removal, as required by 28 U.S.C. § 1446(a). King will separately file the Verification of State Court Records and Proceedings required by Local Civil Rule 101(b).

7. Promptly after filing this Notice of Removal, King will give written notice to Plaintiff’s counsel and file a copy of this Notice with the Clerk of the King County Superior Court as required by 28 U.S.C. § 1446(d).

**Intradistrict Assignment**

8. Seattle is the proper division or location for this matter because the action was filed in King County Superior Court, King’s principal place of business is in King County, and Plaintiff’s claim arose in King County. LCR 3(d), 101(e).

1 Wherefore, King hereby removes this action from the Superior Court of the State of  
2 Washington for King County.

3 DATED this 24th day of July, 2013.

4 Davis Wright Tremaine LLP  
5 *Attorneys for King Broadcasting Company*

6 By s/ Kenneth E. Payson

7 By s/ Ambika K. Doran

8 By s/ Candice M. Tewell

9 Kenneth E. Payson, WSBA #26369

10 Ambika K. Doran, WSBA #38237

11 Candice M. Tewell, WSBA #41131

12 1201 Third Avenue, Suite 2200

13 Seattle, Washington 98101-3045

14 Telephone: 206-622-3150

15 Fax: 206-757-7700

16 E-mail: [kenpayson@dwt.com](mailto:kenpayson@dwt.com)

17 [ambikadoran@dwt.com](mailto:ambikadoran@dwt.com)

18 [candicetewell@dwt.com](mailto:candicetewell@dwt.com)

CERTIFICATE OF SERVICE

I hereby certify that on this day I caused a copy of the foregoing to be served upon the following counsel of record as follows:

Rob Williamson	( )	By U. S. Mail
Kim Williams	( )	By E-Service
Williamson & Williams	( )	By Facsimile
2239 W. Viewmont Way West	(X)	By Messenger
Seattle, WA 98199	( )	By Email:
		<a href="mailto:roblin@williamslaw.com">roblin@williamslaw.com</a>
		<a href="mailto:kim@williamslaw.com">kim@williamslaw.com</a>

Beth E. Terrell	( )	By U. S. Mail
Kimberlee L. Gunning	( )	By E-Service
Terrell Marshall Daudt & Willie	( )	By Facsimile
936 North 34 <sup>th</sup> Street, Suite 400	(X)	By Messenger
Seattle, WA 98103	( )	By Email:
		<a href="mailto:bterrell@tmdwlaw.com">bterrell@tmdwlaw.com</a>
		<a href="mailto:kgunning@tmdwlaw.com">kgunning@tmdwlaw.com</a>

I declare under penalty of perjury under the laws of the state of Washington that the foregoing is true and correct.

DATED this 24th day of July, 2013.

Davis Wright Tremaine LLP  
*Attorneys for King Broadcasting Company*

By s/ Candice M. Tewell  
Candice M. Tewell, WSBA #41131